



U.S. Department of Justice

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April 14, 2014

By ECF

The Honorable Susan D. Wigenton
United States District Judge
Martin Luther King Building & U.S. Courthouse
Newark, New Jersey 07101

Re: United States v. Andrew Auernheimer, Crim. No. 11-470 (SDW)

Dear Judge Wigenton:

The Government consents to the dismissal of the Superseding Indictment in this case without prejudice and to the lifting of all conditions of release presently imposed upon defendant Andrew Aurenheimer. Consenting to this dismissal does not preclude the Government from continuing this prosecution in another venue. See, e.g., United States v. Brennan, 183 F.3d 139, 149-51 (2d Cir. 1999) (post-conviction reversal for improper venue; indictment "dismissed without prejudice" with guidance to consider before undertaking new prosecution "in a district where venue could properly be laid"); Henry v. Burgess, 799 F.2d 661, 662 (11th Cir. 1986) (no double jeopardy violation to retry a defendant whose conviction is reversed for improper venue).

Thank you for your consideration.

Respectfully submitted,

Paul J. Fishman
United States Attorney

By: Gurbir S. Grewal
Assistant U.S. Attorney

So Ordered
this 16th day of April 2014
Susan D. Wigenton, U.S.D.J.

cc: Tor Ekeland, Esq. (by ECF)
Michelle Roman, U.S. Pre-trial Services Officer (by e-mail)